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May 5, 2007

Hon. Kenneth M. Karas
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

BY ECF and FAX

RE: United States v. Shyne, et. al., including Roberto Montgomery, 05 Cr 1067 (KMK)

Your Honor:

After reviewing the two cases discussed on Thursday with respect to the jury instruction on venue, I have decided to withdraw my request for any further modification of the charge.

Thank you.

Sincerely,

/s/ Thomas H. Nooter
Thomas H. Nooter
Attorney for Mr. Montgomery

cc: AUSAs and all counsel by ECF